

BILL NO. S-83-04- 05

SPECIAL ORDINANCE NO. S- 79-82

AN ORDINANCE approving contract
for the purchase of land by the
Board of Aviation Commissioners.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL
OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the following contract was entered
into between the Board of Aviation Commissioners and the under-
signed parties for the purchase of land for the expansion of
the airport runway approved by the Federal Aviation Administra-
tion, ADAP Project #6-18-0022-07:

Contract with William D. Branstrator
for 37.1 acres accepted March 17, 1983 \$96,500.00

which contract is on file in the Office of the Board of Aviation
Commissioners and is by reference incorporated herein, made a
part hereof and is in all things ratified, confirmed and approved.
Two (2) copies of said contract are also on file in the Office
of the City Clerk and are available for public inspection.

SECTION 2. That this Ordinance shall be in full force
and effect from and after its passage and approval by the Mayor.


Councilmember

APPROVED AS TO FORM
AND LEGALITY


Bruce O. Boxberger, City Attorney

Read the first time in full and on motion by GiaQuinta, seconded by Talarico, and duly adopted, read the second time by title and referred to the Committee Finance (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATE: 4-12-83

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Read the third time in full and on motion by GiaQuinta, seconded by Talarico, and duly adopted, placed on its passage. PASSED (~~LOST~~) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	_____	_____	_____	_____
<u>BRADBURY</u>	<u>✓</u>	_____	_____	_____	_____
<u>BURNS</u>	<u>✓</u>	_____	_____	_____	_____
<u>EISBART</u>	<u>✓</u>	_____	_____	_____	_____
<u>GiaQUINTA</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHOMBURG</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCRUGGS</u>	<u>✓</u>	_____	_____	_____	_____
<u>STIER</u>	<u>✓</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>✓</u>	_____	_____	_____	_____

DATE: 4-26-83

Nadejda Estroff
CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (~~ZONING MAP~~) (~~GENERAL~~) (~~ANNEXATION~~) (~~SPECIAL~~)

(~~APPROPRIATION~~) ORDINANCE (~~RESOLUTION~~) NO. D-79-83
on the 26th day of April, 1983.

ATTEST:

(SEAL)

Nadejda Estroff
CHARLES W. WESTERMAN - CITY CLERK

Ray A. Ebert
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of April, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Nadejda Estroff
CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this 28th day of April, 1983, at the hour of 11 o'clock A.M., E.S.T.

Win Moses, Jr.
WIN MOSES, JR. - MAYOR

UNIFORM LAND ACQUISITION OFFER

Mr. William D. Branstrator
9721 Coverdale Road
Fort Wayne, Indiana 46809

The Board of Aviation Commissioners of the City of Fort Wayne, Indiana, (hereinafter called "the Board") is authorized by law to obtain your land for certain public purposes.

The Board needs your land, which is located Northwest of the Northwest corner of Baer Field, the Fort Wayne Municipal Airport, in order to extend Northwest Runway No. 31 and Taxiway, and needs to take the following described property:

37.1 Acres located in the Northwest corner of the Southwest Quarter of Section 5, Township 29 North, Range 12 East, in Allen County, Indiana, as legally described on attached survey of William A. Darling, marked Exhibit "A".

It is our opinion that the fair market value of said property we want to acquire from you is Ninety-Six Thousand Five Hundred (\$96,500.00) Dollars.

The Board offers you \$96,500.00 for the above described property, computed free and clear of all liens, real estate taxes to be prorated to date of closing.

You have thirty (30) days from this date to accept or reject this offer. If you accept this offer, you may expect payment in full within ninety (90) days after signing the documents accepting this offer and executing the deed, and provided there are no difficulties in clearing liens or other problems with title to the land. Possession will be required thirty (30) days after you have received your payment in full.

HERE IS A BRIEF SUMMARY OF YOUR OPTIONS AND LEGALLY PROTECTED RIGHTS:

1. By law, the Board of Aviation Commissioners of the City of Fort Wayne, Indiana, is required to make a good faith effort to purchase your property.
2. You do not have to accept this offer.
3. However, if you do not accept this offer, and we cannot come to an agreement on the acquisition of your land, the Board has the right to file suit to condemn and appropriate the land in the county in which the real estate is located.
4. You have the right to seek advice of an attorney, real estate appraiser or any other person of your choice on this matter.

5. You may object to the public purpose and necessity of this project.

6. If this Board files a suit to condemn and appropriate your land and the court grants its request to condemn, the court will then appoint three (3) appraisers who will make an independent appraisal of the land to be appropriated.

7. If we both agree with the court appraisers' report, then the matter is settled. However, if either of us disagrees with the appraisers' report to the court, either of us has the right to ask for a trial to decide what should be paid to you for the land condemned.

8. If the court appraisers' report is not accepted by either of us, then this Board has the legal option of depositing the amount of the court appraisers' evaluation with the court. And if such a deposit is made with the court, this Board is legally entitled to immediate possession of the land. You may, subject to the approval of the court, make withdrawals from the amount deposited with the court. Your withdrawal will in no way affect the proceedings of your case in court, except that, if the final judgment awarded you is less than the withdrawal you have made from the amount deposited, you will be required to pay back to the court the amount of the withdrawal in excess of the amount of the final judgment.

9. The trial will decide the full amount of damages you are to receive. Both of us will be entitled to present legal evidence supporting our opinions of the fair market value of the land. The Court's decision may be more or less than this offer. You may employ, at your expense, appraisers and attorneys to represent you at this time or any time during the course of the proceedings described in this offer.

10. If you have any questions concerning this matter, you may contact us at: Board of Aviation Commissioners, Terminal Building, Baer Field, Fort Wayne, Indiana 46809.

This offer was made to the owner, William D. Branstrator on the 18th day of February, 1983.

FORT WAYNE BOARD OF AVIATION COMMISSIONERS

BY Raymond L. Hoverman
(Raymond L. Hoverman) its Manager

Agent of: Board of Aviation Commissioners of the City of Fort Wayne, Indiana
Terminal Building, Baer Field
Fort Wayne, Indiana 46809

If you decide to accept the offer of Ninety-Six Thousand Five Hundred (\$96,500.00) Dollars made by the Fort Wayne Board of Aviation Commissioners, sign your name below and mail this form to the address indicated above. An additional copy of this offer has been provided for your file.

ACCEPTANCE OF OFFER

I, William D. Branstrator, owner of the above described property or interest in said property, hereby accepts the above offer of Ninety-Six Thousand Five Hundred (\$96,500.00) Dollars made by the Fort Wayne Board of Aviation Commissioners on this 17 day of March, 1983.


(William D. Branstrator)

HOFFMAN, MOPPERT & ANGEL
ATTORNEYS AT LAW

JOHN E. HOFFMAN
EDWARD J. MOPPERT

~~XXXXXXXXXX~~

R. JOHN WRAY

Terry N. Hursh

SUITE 1212 ANTHONY WAYNE BANK BUILDING
FORT WAYNE, INDIANA 46802

JOHN C. HOFFMAN (1960)

TELEPHONE 423-3331
AREA CODE 219

April 1, 1983

City Clerk
1st Floor, City-County Building
Fort Wayne, Indiana 46802

RE: Special Ordinance #S-83-
for approval of Board of
Aviation contract to purchase
William D. Branstrator 37.1
Acres for \$96,500.00.

Dear Clerk:


The Ordinance for the purchase of the above property will be introduced in City Council on April 12, 1983.

Enclosed are two copies of the contract to purchase with Branstrator to be held on file in your office for public inspection.

JEH:ps

Yours very truly,

Encls.


John E. Hoffman

UNIFORM LAND ACQUISITION OFFER

Mr. William D. Branstrator
9721 Coverdale Road
Fort Wayne, Indiana 46809

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5. You may object to the public purpose and necessity of this project.

6. If this Board files a suit to condemn and appropriate your land and the court grants its request to condemn, the court will then appoint three (3) appraisers who will make an independent appraisal of the land to be appropriated.

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This offer was made to the owner, William D. Branstrator on the 18th day of February, 1983.

FORT WAYNE BOARD OF AVIATION COMMISSIONERS

BY Raymond L. Hoverman
(Raymond L. Hoverman) its Manager

Agent of: Board of Aviation Commissioners of the City of Fort Wayne, Indiana
Terminal Building, Baer Field
Fort Wayne, Indiana 46809

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William D. Branstrator
(William D. Branstrator)

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(William D. Branstrator)

BILL NO. S-83-04-05

REPORT OF THE COMMITTEE ON FINANCE

WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS REFERRED AN
ORDINANCE approving contract for the purchase of 12 and by the Board of
Aviation Commissioners

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE DO PASS.

MARK E. GIAQUINTA, CHAIRMAN

Mark E. Giaquinta

JAMES S. STIER, VICE CHAIRMAN

James S. Stier

JANET G. BRADBURY

Janet G. Bradbury

SAMUEL J. TALARICO

Samuel J. Talarico

DONALD J. SCHMIDT

Donald J. Schmidt

Concurred in 4-26-83

DIGEST SHEET

S-83-04-05

TITLE OF ORDINANCE: An ordinance approving contract for airport land.

DEPARTMENT REQUESTING ORDINANCE: Board of Aviation Commissioners.

SYNOPSIS OF ORDINANCE: Approval of contract by Board of Aviation for
purchase of land for extension of Northwest airport runway, approved and
financed 80% by Federal Aviation Administration under 1979 ADAP PROJECT
#6-18-0022-07. Purchase price determined by appraisals and approved by F.A.A.
Funds for purchase appropriated by City Council Ordinance #A-06-03
adopted March 22, 1983.

EFFECT OF PASSAGE: Purchase of major part of land needed for extension of
Northwest runway at Baer Field.

EFFECT OF NON-PASSAGE: None of the above.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS): _____

Total contract \$96,500.00; 80% federally funded and approximately 5% state
funded.

ASSIGNED TO COMMITTEE: Committee on Finance.